UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:05CV282-3-V (3:02CR227-1-V)

RICHARD TIMOTHY CARROLL,)	
Petitioner,))	
V.) ORDE	<u>R</u>
UNITED STATES OF AMERICA)	
Respondent.)))	

THIS MATTER is before this Court upon the Petitioner's "Motion for Order Directing Respondent to Furnish Petitioner With A Copy ..." (Document Number 12.) In his motion, Petitioner states that he has not received a copy of the government's Motion for Summary Judgment. He learned of the government's motion through this Court's September 22, 2005 Order directing him to file a response to the government's motion. While this Court has noted a certificate of service attached to the government's motion indicating that Petitioner was served with a copy of the government's motion, the Court directs the government to serve an additional copy of the motion on Petitioner. It may be helpful to include Petitioner's registration number on the envelope to assure that Petitioner receives this correspondence. This number is 19157-058.

In Petitioner's motion, he also asks this Court to appoint him counsel. There is no constitutional right to counsel in habeas proceedings such as the instant case. <u>Crowe v. United</u> <u>States</u>, 175 F.2d 799 (4th Cir. 1949), <u>cert.denied</u>, 338 U.S. 950 (1950). Furthermore, the Petitioner appears to be adequately representing himself. Consequently, Petitioner's Motion for Appointment

of Counsel is denied.

In his motion, Petitioner also requests an evidentiary hearing. To the extent the Court finds an evidentiary hearing to be appropriate, the Court will set such a hearing on its own motion.

Therefore, Petitioner's Motion for an Evidentiary Hearing is denied.

NOW THEREFORE IT IS ORDERED that:

- 1. Petitioner's Motion Directing the Government to Furnish him a copy of the Motion for Summary Judgment is Granted.
 - 2. Petitioner's Motion For an Attorney is Denied.
 - 3. Petitioner's Motion for an Evidentiary Hearing is Denied.

Signed: October 6, 2005

Richard L. Voorhees

Richard L. Voorhees United States District Judge